

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MERLENE DAYAN and ESTATE OF  
RAYMOND DAYAN,

Plaintiffs,

- against -

LEONORA SUTTON a/k/a LENORA SUTTON,  
ESTATE OF MAYER SUTTON, ISAAC  
SUTTON, ALBERT SUTTON, MORRIS  
SUTTON, ELIAS SUTTON a/k/a ELLIOT  
SUTTON, and ABC Co., Inc. 1-10,

Defendants,

Case No. 20-CV-9563 (AKH)

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE**, that upon the Declaration of Evan Weintraub, dated July 29, 2022, and the exhibits annexed thereto, and the accompanying Memorandum of Law, defendants Albert Sutton and Elias Sutton a/k/a Elliot Sutton, by and through their undersigned attorneys, will move this Court, before the Hon. Alvin K. Hellerstein, at the United States Courthouse, Room 14D, 500 Pearl Street, New York, New York 10007, at a date and time to be designated by this Court, for an order dismissing all Counts of the Fourth Amended Complaint in this action with prejudice against the moving defendants pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Dated: New York, New York  
July 29, 2022

Respectfully submitted,

**WACHTEL MISSRY LLP**

By: /s/ Evan S. Weintraub

Evan Weintraub  
Ryan Roberts  
Wachtel Missry LLP  
885 Second Avenue  
New York, NY 10017  
(t): (212) 909-9500  
(f): (212) 909-9417  
[weintraub@wmlp.com](mailto:weintraub@wmlp.com)  
[roberts@wmlp.com](mailto:roberts@wmlp.com)

*Attorneys for Defendants Albert  
Sutton and Elias Sutton a/k/a Elliot  
Sutton*

TO:

Gabriel Fischbarg, Esq.  
230 Park Avenue, Suite 908  
New York, New York 10169  
(t) 917-514-6261  
[gabriel@fischbarglaw.com](mailto:gabriel@fischbarglaw.com)

*Attorneys for Plaintiffs*